



3731  
[70  
Docket: 2884  
(203-3592PCTUS)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Jankowski et al  
Serial No: 10/540,197 Filed: 06/20/2005  
Examiner: To Be Assigned Group Art Unit: 3731  
For: **VACUUM ASSISTED SURGICAL STAPLER**

Commissioner For Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with Applicant's duty of disclosure under 37 C.F.R. §1.56, the information listed in the attached PTO-1449 form is brought to the attention of the Examiner. A copy of the European Extended Search Report (3 pages), date of mailing July 20, 2007 for the corresponding EP Application (EP 03814347), is submitted herewith. Copy of the cited U.S. patent (US-5395030) is not provided pursuant to the waiver of this requirement under 37 C.F.R. §1.98 for national applications filed after June 30, 2003. Other references referred to on the EPO Search Report have been previously cited.

It is respectfully requested that the reference(s) cited with Form PTO-1449 herewith be considered during Examination of the above-identified application and made of record therein. This submission is believed to be in compliance with 37 C.F.R. §1.97 and 37 C.F.R. §1.98.

The citation of the listed item(s) is not a representation that it constitutes a complete or exhaustive listing of prior art or that it constitutes prior art. The item(s) listed is/are submitted in good faith, but is/are not intended to substitute for the Examiner's search. It is hoped, however, that in addition to apprising the Examiner, it will assist the Examiner in identifying fields of search and in making as full and complete a search as possible.

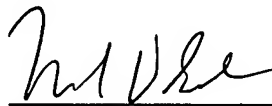
The filing of this information disclosure statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

- ( ) This information disclosure statement is being filed within three (3) months of the filing date of this application.
- ( ) This information disclosure statement is being filed within three (3) months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application.

- ☐ To the best of Applicant(s) knowledge, this information disclosure statement is being filed before the date of mailing of a first Office Action in connection with this case.
- ☐ Enclosed is a certificate under 37 C.F.R. §1.97 (e)(i).
- ☐ Enclosed is a petition under 37 C.F.R. §1.97 (d)
- ☐ Please charge the petition fee of \$130.00 required under 37 C.F.R. §1.17 (i)(1) to Deposit Account No. 21-0550.
- ☐ As set forth in 37 C.F.R. §1.97 (c), to the best of Applicant(s) knowledge, this information disclosure statement is being filed before either the mailing of a final action under 37 C.F.R. §1.113 or the mailing of a notice of allowance under 37 C.F.R. §1.113, and is accompanied by the \$240.00 fee as provided for in 37 C.F.R. §1.17(p).
- ☒ As set forth in 37 C.F.R. 1.97 (e) (1): That each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.
- ☐ Please charge the \$240.00 fee required by 37 C.F.R. §1.17(p) to Deposit Account No. 21-0550.
- ☒ Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §1.16 and/or 37 C.F.R. §1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account 21-0550. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend time as required and charge Deposit Account No. 21-0550 therefore **TWO COPIES OF THIS SHEET ARE ENCLOSED.**

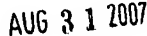
Early and favorable consideration of the case is respectfully requested.

Dated: 8/29/07



Neil D. Gershon  
Reg. No. 32,225  
Attorney for the Applicants

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Approved for use through 07/31/2006. OMB 0651-0031

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Substitute for

**(Use as many sheets as necessary)**

Sheet	1	of	2
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**Complete if Known**

Application Number	10/540,197
Filing Date	06/20/2005
First Named Inventor	Jankowski et al
Art Unit	3731
Examiner Name	To Be Assigned
Attorney Docket Number	2884 (203-3592PCTUS)

## U. S. PATENT DOCUMENTS

[illegible]

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.*

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Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>		<b>Complete if Known</b>			
		Application Number	10/540,197		
		Filing Date	06/20/2005		
		First Named Inventor	Jankowski et al		
		Art Unit	3731		
		Examiner Name	To Be Assigned		
Sheet	2	of	2	Attorney Docket Number	2884 (203-3592pctus)

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		European Search Report for corresponding European Patent Application - EP03814347 - Date of Mailing July 20, 2007 (3 pages)	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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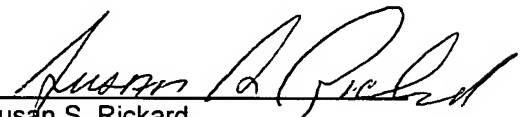
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PO Box 1450  
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CERTIFICATE OF MAILING

Date of Deposit: 8/29/2007  
I hereby certify that the following:

- ☒ This Certificate of Mailing
- ☒ Information Disclosure Statement (2 pages)
- ☒ EPO Supplemental Search Report (3 pages)
- ☒ 1449 (2 pages)
- ☒ Return Postcard

are being deposited with the United States Postal Services under 37 CFR Section 1/10 on the Date of Deposit indicated above in an envelope addressed to the Commissioner of Patents, PO Box 1450, Alexandria, VA 22313-1450.

  
Susan S. Rickard

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